



**State of Nevada**

**Board of**

**Environmental Health Specialists**

**Board Member Manual**

# TABLE OF CONTENTS

## **Chapter 1: The Board**

Mission Statement.....	4
Board Functions.....	4

## **Chapter 2: The Board Members**

Duties and Responsibilities – Protection of Public Health.....	6
Conflict of Interest – Disqualification.....	7
Confidentiality.....	8
Board Member Liability.....	8
Tort Liability.....	8
Decision Making with Conviction.....	9
Resources .....	9

## **Chapter 3: Registrations**

Registration .....	10
Good Moral Turpitude.....	12
Denial of Registration.....	12
Verification of Licensure.....	13

## **Chapter 4: Laws**

Laws.....	14
-----------	----

## **Chapter 5: Regulations**

Regulations.....	15
------------------	----

## **Chapter 6: Complaint Hearings**

Complaint Hearings.....	16
-------------------------	----

## **Chapter 7: Open Meeting Laws**

Open Meeting Law.....	17
-----------------------	----

**Chapter 8: Meeting Agenda**

Basic Meeting Agendas .....	18
-----------------------------	----

**Chapter 9: Parliamentary Procedure**

Parliamentary Procedure.....	19
------------------------------	----

**Chapter 10: Governance**

Introduction .....	20
Responsibilities of a Board Member .....	21
Role of the Board and Executive Director .....	22
Board and Executive Director Responsibilities.....	22

<b>APPENDIX .....</b>	24
-----------------------	----

Nevada Revised Statutes, Chapter 625A Environmental Health Specialists

Nevada Administrative Code, Chapter 625A Regulations

    Board of Environmental Health Specialists

# CHAPTER 1 – THE BOARD

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

What is the mission of the Board of Environmental Health Specialists (Board)?

What are the functions of the Board?

## **Mission Statement**

To protect the public health, safety and welfare by ensuring that only competent environmental health practitioners are registered in the state and that those registered practitioners maintain the highest level of professional conduct. This includes ensuring the competency of environmental health practitioners and / or providing the public with a means by which they can pursue administrative legal recourse. (NRS 625A & NAC 625A).

## **Board Functions**

NRS 625A.030 - The Board of Environmental health consists of the Chief Medical Officer or his or her designated representative and four members appointed by the Governor. The Board must consist of two registered environmental health specialists, one representing the Southern Nevada Health District and one representing the Washoe County Health District, and two members representing the public.

Each Board member who is a registered environmental health specialist must hold an active registration and practice in the field of environmental health for the 3 years immediately preceding the appointment. All members must be a resident of the State.

Members of the Board appointed by the Governor serve terms of 3 years, except when appointed to fill unexpired terms. Before serving as a Board member, each person must file a constitutional oath of office with the Secretary of State. There are no limitations on the number of terms a Board member may serve.

NRS 625A.040 – The Board members elect a Chair, and Vice Chair. The Board is required to hold two meetings a year; historically the Board has 4 meetings a year for the transaction of the business of the Board. The Board can hold additional meetings if needed.

NRS 625A.050 - The Board members may receive pay for their service of \$150 per day as fixed by the Board and per diem and travel expenses.

The Board approved compensation for the members of the Board representing the public. All Board members may receive a per diem allowance for meals and mileage in conformance with the State/Federal per diem standards.

NRS 625A.055 - The Board may employ an Executive Director and other individuals it deems necessary and establish their compensation. Board staff may receive a per diem allowance for meals and mileage in conformance with the State/Federal per diem standards.

NRS 625A.057 – The Board is responsible for the enforcement of the law and the regulations adopted by the Board, including but not limited to:

- determining the qualifications and eligibility criteria for registration;
- maintaining a record of all proceedings, including any administrative proceedings;
- Adopting regulations establishing standards of practice and any other regulations necessary to carry out the provisions of this chapter; and
- Investigating any complaint and holding hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated;

NRS 625A.059 - The Board may conduct investigations, hold hearings and examine witnesses and has the power to issue subpoenas to compel the attendance of witnesses and the production of books and papers.

NRS 625A.100 – The Board requires all individuals to submit an application for registration, with supporting documentation.

An applicant for REHS registration by endorsement who does not have REHS certification is required to provide the qualifying state law/regulations for registration and examination for review of “substantially equivalency”.

NRS 625A.175 - The Board may receive Complaints pertaining to the practice of environmental health from any person which may be filed anonymously.

NRS 625A.180 – The Board may take disciplinary action or other actions, may refuse to issue or renew a registration, or may impose conditions upon that registration, if it is determined an environmental health specialist or environmental health specialist trainee is guilty of unprofessional conduct.

NRS 625A.185 - The Board must keep confidential all complaints and investigative documentation. All records become public upon filing of a Formal Complaint by legal counsel for hearing before the Board for a determination of disciplinary action.

NRS 625A.900 - The Board may issue cease and desist orders for unregistered practice and may assess an administrative fine of not more than \$5,000. Practice of environmental health without the appropriate registration issued by the Board is a misdemeanor.

NRS 625A.920 - The Board may inspect any premises to determine whether any person at the premise is practicing without the appropriate registration; or to determine compliance with any provision of the Board’s law or regulations.

# CHAPTER 2 – THE BOARD MEMBERS

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

- What is the primary responsibility of the Board?
- Where does the Board derive its powers?
- What are the duties and responsibilities of a Board member?
- What steps should a new Board member take to be successful in their role?
- What conflict of interest issues must be kept in mind as a Board member?
- What must you do to ensure that confidential and privileged information remains secure?
- What liability issues are at stake? What steps can you take to protect yourself and the Board from liability?
- What strategies assist a Board member in making fair and fearless decisions?

## **Duties and Responsibilities – Protection of Public Health**

The sole responsibility of the Board is the protection of the public health, safety and welfare. This fundamental concept is the most important set forth in this Board Member Manual. It is the duty of the Board to register those persons seeking to enter the profession who meet the legal competency standards necessary to practice environmental health, and to discipline those registered environmental health professionals who fail to follow legal and professional standards of practice.

Boards are statutorily created governmental bodies and their powers are authorized by the legislation under which they are established. The specific duties and responsibilities of a Board member are generally not detailed in an environmental health practice act.

Individual Board members are charged with the responsibility of regulating the profession by carrying out the duties specifically set forth in statutes and regulations. Therefore, the first task of a Board member should be to become completely familiar with the statutes and regulations pertaining to the practice of environmental health.

In addition, Board members should develop a familiarity with parliamentary procedures or rules that are commonly used in Board meetings.

Members of the Board, as public officials, must apply the statutes and regulations of their state in an unbiased manner. All actions taken by a Board member and Board are subject to scrutiny by the profession, the legislative and judicial branches of government, and the public, and to be valid and enforceable, must be based upon an objective consideration of legal evidence and application of relevant laws or regulations.

## **Conflict of Interest – Disqualification**

Board members must be constantly aware of and avoid conflicts of interest. Board members when meeting in a properly noticed public meeting with a quorum are viewed as the Board. Therefore, their image and reputation must be impeccable if the Board is to remain a viable force in state government.

A Board member must conscientiously avoid any attempt to regulate the economics of the profession through the establishment or enforcement of Board laws and regulations, or through any selective applicability of such laws and regulations to any particular professional or group of professionals. A Board member must consistently apply laws and regulations in an objective, unprejudiced manner for the protection of the public.

In many instances, Board members are active members of one or more associations. There is no reason why a Board member should not retain these memberships. However, members should avoid serving as officers in these associations. Members should also avoid serving on association committees that develop policies that could influence the Board's adoption of laws and regulations, or the enforcement of laws and regulations in a manner that might be prejudicial to a particular professional or groups of professionals.

In the event Board members discover that their views may have been prejudiced by activities related to their professional service, they should abstain or disqualify themselves from participating in Board proceedings involving the relevant areas. Failure to do so may result in the reversal or setting aside of the Board's decision in disciplinary matters, or rule and regulation adoption.

For example, suppose a Board member served on an association committee involved in screening new applicants for membership in the association. Environmental Health Specialist Jones is rejected by the committee following proceedings in which the Board member participated. Later, REHS Jones is called before the Board on a disciplinary matter. The Board member should disqualify himself or herself from participating in the Jones deliberations whether or not the reason for rejection of association membership was related to the reason for the disciplinary proceedings, since the Board member's judgment has, at least, the appearance of being tainted.

Possible conflicts of interest in the regulation of individual environmental health specialists could include the following:

- (a) a Board member who is a relative or close friend of an individual being subjected to possible disciplinary action; or
- (b) a Board member who is employed by the same agency or organization or has a professional relationship with another environmental health specialist who is subject to possible disciplinary action.

In the second example, the Board's decision may substantially affect the objectivity of that Board member. It is advised that in such a situation, the Board member seriously consider

disqualifying himself or herself. Unfortunately, it is not easy in many instances to readily ascertain whether a conflict is serious enough to require disqualification. If any doubt exists, a Board member should consult the Attorney General's office. The important factor is to be aware of these areas of possible conflict.

### **Confidentiality**

Much of the information to which Board members become privy constitutes confidential or privileged information. State freedom of information acts and/or right of privacy acts generally determine the confidentiality status of such information. Generally, information in the files of applicants and registrants should be released only upon appropriate court order, or in accordance with appropriate Board policies. Board members should be familiar with the provisions of statutes related to information held in agency files, and should avoid discussing any such information except in the context of Board functions.

### **Board Member Liability**

Judgments by Boards and Board members require a good working knowledge of their state practice acts in their entirety, particularly when considering the establishment of laws and regulations to be adopted by a Board in order to implement the act.

Board members should understand that even while acting in their official capacity, irresponsible activities could lead to possible personal liability on the part of the Board member. Under normal circumstances, a Board member acting under legislative directive, in good faith, within the scope of his or her authority, who neither knew nor should have known that an act of that Board member may have been in violation of the practice act or in deprivation of the constitutional rights and privileges of the affected party, will be protected from personal liability.

This protection or immunity from liability is a judicially established concept that was developed to permit administrative officials to carry out their duties and responsibilities without fear of liability. The immunity concept, however, does not protect a Board member from lawsuits, nor does it guarantee the Board member complete immunity from liability. It is only where the Board member acts within the scope of the member's statutory authority in a reasonable and unbiased manner that the Board member will avoid ultimate liability.

The U.S. Supreme Court in the case of FTC vs. North Carolina Dental Board is a case that centered on whether the dental Board acted within their scope of authority in a reasonable and unbiased manner, and the court concludes that Boards must be a majority of public members or must be supervised on the rulings they take on their regulations.

### **Tort Liability**

Board members are also troubled by potential tort liability, particularly the tort of defamation of character, which includes both libel (written) and slander (verbal). Can a Board member be held liable for accusations made against environmental health specialists in the normal course of issuance of a complaint or for those which are asserted at a disciplinary hearing? What if an

environmental health specialist is found to have violated the practice act, is disciplined by a Board, and is later successful in overturning the Board decision by a court appeal? What is the liability of a Board member signing a complaint against an environmental health specialist? Generally, if Board members are acting within the scope of their authority, in good faith, and in an unbiased manner, they will be completely protected against liability under torts such as defamation of character. In all instances, however, the Board members should insist that facts alleged against an environmental health specialist be substantiated to the greatest extent possible to avoid any allegations that a claim is so frivolous as to constitute gross negligence on the part of a Board member and cause that Board member possible liability.

The Board contributes to the State Tort Liability Fund, which is utilized to protect the State and the Board's interests.

### **Decision Making with Conviction**

If an individual accepts appointment to the Board, it becomes the duty of that individual to carry out responsibilities that include making decisions, which in many instances involve the livelihood of an environmental health practitioner or an applicant seeking registration into the profession. These decisions must be made fairly and fearlessly. This chapter has isolated certain areas where the decision-making processes may require great thought and, perhaps, legal advice to assist Board members in making the hard decisions that must be made to ensure proper protection of the public health.

Finally, a Board member should be inquisitive and should not succumb to past practices of a particular Board without knowing why certain procedures are being followed. New Board members provide a fresh, independent view of the Board's practices and procedures. They should not be reluctant to ask questions to better understand the individual functions of Board members.

**Resources** - The Nevada Attorney General's Office provides tools and resources for Board members regarding their roles and responsibilities and legal requirements for conduct of Board business. These tools can be accessed from the Attorney General's Office website, Open Government: [http://ag.nv.gov/Hot\\_Topics/Open\\_Government/](http://ag.nv.gov/Hot_Topics/Open_Government/)

Additional Publications available: <http://ag.nv.gov/Publications/Manuals/>

- Nevada Board and Commission Manual
- Nevada Open Meeting Law Manual
- Administrative Rule Making Manual

# CHAPTER 3 – REGISTRATIONS

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

- What are the general statutory requirements required for registration?
- When is good moral character used to determine whether registration is granted?
- What are the requirements for registration verification?

## Registration

NRS 625A.0295 –This section of the law exempts certain persons from requirements to be registered by the Board. The Environmental Health Specialist law does not apply to a person who is:

- Employed by
  - the Federal government;
  - State Division of Environmental Protection or local air pollution control board;
  - Cannabis Compliance Board, unless cannabis is utilized in food products;
  - As a certified consultant to perform clean up and disposal of hazardous waste and substances, unless performed directly by and for a public health agency;
- Practices in the field of:
  - Industrial hygiene, public education, indoor air quality, health physics, mold assessment or mold remediation;
  - Zoonotic disease ecology or vector-borne disease ecology, or both, as a specialty;
  - Mining, as an employee or contractor of a mining company in Nevada;
  - Building inspections to determine compliance with building and safety codes; or
  - Epidemiological investigations as an epidemiologist or disease investigator.
- Practices environmental health on a limited basis for not more than 45 days in any calendar year; and holds a valid and unrestricted registration, certification or license as an environmental health specialist in another state or territory with substantially similar registration requirement.

NRS 625A.097 – The Board has defined the general requirements for registration as:

1. Be a person of good moral character
2. Comply with the qualifications for registration
3. Pay the fees; and
4. Submit all required information to complete an application

NRS 625A.105 – The Board shall not allow issuance of a registration if the person owes child support.

NRS 625A.100 - The Board requires a person to submit an Application and provide evidence that they possess the qualifications required for a registration.

The Board provides On-Line Services including registration renewals, credit card payment of fees, and electronic submittal of documentation.

NRS 625A.110 – The Board established qualifications for REHS registration, including education, training and examination requirements including registration by endorsement.

NRS 625A.112 - The Board offers a Temporary registration to applicants who do not plan to practice in Nevada permanently. A Temporary registration has a term of six (6) months and may be converted to a standard registration prior to expiration.

NRS 625A.115 – The Board provides a provisional registration as an environmental health specialist trainee to applicants who meet the educational requirements for registration as an environmental health specialist; are employed in a supervised training position in environmental health and are in the process of obtaining the requirements for REHS registration.

A provisional registration as an environmental health specialist trainee expires 1 year after the date on which the registration was issued and may be renewed not more than twice.

An environmental health specialist trainee who meets the educational requirements for registration as an environmental health specialist without training may convert their provisional registration to a REHS registration upon passing the NEHA examination.

The Board may approve a 1-year extension of a provisional registration if a trainee has met all requirements other than passing the NEHA examination.

A provisional registration may be converted to a REHS registration upon meeting all requirements, including passage of the REHS examination.

NRS 625A.120 - The Board has designated the National Environmental Health Association (NEHA) Registered Environmental Health Specialist exam as the examination for registration in Nevada; or an examination administered by another State that is determined by the Board to be substantially similar to the NEHA examination (NRS 625A.110).

NRS 625A.125 – If the Board denies an application for registration, the applicant is provided an opportunity to request a Hearing before the Board.

NRS 625A.130 - The Board, through regulation, establishes reasonable fees for licensure.

Fees are set in an amount to reimburse the Board for the cost of carrying out the provisions of the law. All expenses of the Board must be paid from the fees received by the Board. (NRS 625A.060)

The Board also offers reduced initial fees for veterans, active military personnel and their spouses.

Initial registration fees are reduced by one-half for veterans and military affiliated applicants.

The Board does not receive funds from the State's General Fund.

NRS 625A.145 - The Board establishes through regulation the term of a registration, the method for renewal and reinstatement of a registration, including any requirements for continuing education and any late renewal period, and the manner in which a registration may be placed on inactive status.

The term of a registration has been established as one (1) year. A registration may be reinstated up to 5 years from date of expiration.

An environmental health specialist must complete 24 hours of continuing education during the previous 2 years, reported at the time of renewal of a registration. Random audits of continuing education is conducted.

A registration may be renewed up to 30 days after expiration upon payment of the renewal fee and a late renewal fee.

A registration may be placed on inactive status at time of renewal.

NRS 625A.150 – The Board does not require continuing education to be completed if an Environmental Health Specialist is retired and not actively practicing environmental health in this State.

The Board issues registrations within 3-5 business days of receipt of a complete application; after receipt of fingerprint results, if applicable.

### **Good Moral Turpitude**

The good moral turpitude of an applicant or registrant is called into question anytime the applicant has committed a crime. As part of the application and renewal process, the applicant must disclose any legal issues and, submit all of the facts pertaining to the incident or conviction. A fingerprint background check may be required for an initial application. Once the facts are accumulated, the case is evaluated for potential moral turpitude determination. The Executive Director will rule either that the incident is not applicable or bring the individual before the Board for a determination on whether a registration should be issued or renewed.

A criminal history does not automatically preclude an applicant from approval of a registration or the renewal of a registration.

### **Denial of Registration**

The Board may deny a registration for missing any part of the registration or renewal application.

The Executive Director may bring any application before the Board for action. The Board may deny the registration for good cause after hearing and consideration of the specific circumstances.

**Verification of Licensure**

A registration may request a written verification of registration be sent to another entity. On-line registration verification is available on the Board website.

# CHAPTER 4 – LAWS

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

- What are the guideline statutory requirements required for laws?

## Laws

The Nevada Legislature is the entity that creates and approves statutory authority through law. The Nevada Legislature meets every two years. Any changes or revisions to the Nevada Revised Statutes requires a Bill to be introduced and passed by both the Assembly and the Senate. The Governor makes the final determination as to the passage of a Bill when it is signed into law or vetoed.

The laws found in Chapter 625A of the Nevada Revised Statutes were originally created in 1987 as the Board of Registered Public Health Sanitarians with voluntary registration. In 1995 the Board's name was changed to Board of Registered Environmental Health Specialist. Through Legislative action in 2005, registration with the Board became mandatory, effective July 1, 2007.

Legislative action in 2019 created the Board of Environmental Health Specialists and revised most provisions of the law effective July 1, 2019.

The law forms the basis for how environmental health is practiced in the State of Nevada. All actions of the Board are governed by authority contained in NRS 625A.

The law covers the following areas:

- a) General Provisions – NRS 625A.010 to NRS 625A.0295
- b) Board of Environmental health – NRS 625A.030 to NRS 625A.090
- c) Registration – NRS 625A.095 to NRS 625A.150
- d) Disciplinary and Other Actions – NRS 625A.160 to NRS 625A.195
- e) Prohibited Acts; Penalties; Enforcement – NRS 625A.900 to NRS 625A.920

# CHAPTER 5 – REGULATIONS

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

- What are the guideline statutory requirements required for regulations?

## Regulations

Regulations are created, enacted and implemented by the Board. All regulations must conform to and be directly related to the authority granted by law to govern the practice of Environmental health. The process for creating regulations is governed by the Nevada Administrative Procedures Act.

The regulations found in Chapter 625A of the Nevada Administrative Code were originally enacted on 12/23/1992, with implementing provisions added on 5/23/95.

Regulations were substantially revised by LCB File No. R075-19, approved by the Board on May 7, 2020 to implement the revision to NRS 635A as approved in AB175 of the 2019 Session of the Nevada Legislature.

*The regulation establishing qualifications for certain hearing officers; revising provisions relating to the powers of the Board of Environmental Health Specialists; revising the requirements for obtaining and renewing a registration as an environmental health specialist or environmental health specialist trainee; setting forth the requirements for obtaining and renewing a temporary registration to practice environmental health; revising the fees required for registration to practice environmental health; setting forth certain standards of practice for persons who are registered to practice environmental health; authorizing the reinstatement of certain registrations to practice environmental health; making various other changes relating to environmental health; and providing other matters properly relating thereto*

Regulations provide the details on how environmental health is to be practiced in the State of Nevada and address the following areas:

- a) General Provisions
- b) Board of Environmental Health Specialists
- c) Registration
- d) Disciplinary Actions
- c) Standards of Practice
- d) Provisional and Temporary Registration
- e) Fees
- f) Continuing Education
- g) Unprofessional Conduct

# CHAPTER 6 – COMPLAINT HEARINGS

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

- What are the general statutory requirements required for complaint hearings?

## Complaint Hearings

Complaint hearings heard by the Nevada State Board of Environmental Health Specialists are similar to a courtroom hearing. The procedures and operating processes are outlined below.

NRS 625A.220 – All documents and other information filed with a complaint are:

1. Confidential, unless the person filing the complaint wishes for them to be made public;
2. The charging document filed with the Board to initiate disciplinary action pursuant to Chapter 622A and all documents and information considered by the Board when rendering a decision on the case is confidential.
3. The Board shall share the documents and files with any other Board that is investigating the case.

NRS 625A.215 – Any person who becomes aware that a person practicing environmental health in this State has become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint. Complaints may be filed anonymously. Any anonymous complaints may not be processed if the complaint is found to be impossible or unfair to the person who is the subject of the complaint.

The following processes and conditions pertain to every complaint:

1. If the Board finds that a complaint involves a matter within the jurisdiction of another regulatory Board, the other Board is notified and the complaint is referred.
2. The provisions of section 1 apply to:
  - (a) A complaint that concerns a person or registered entity regulated by the Board and/or another licensing Board.
  - (b) A complaint that concerns a person or registered entity regulated solely by another Board.
3. The provisions of this section do not prevent the Board from acting on a complaint that concerns a matter within its jurisdiction.
4. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent.
5. As used in this section, “Regulatory Board” means a Board created in Title 54 of Nevada Revised Statutes.

# CHAPTER 7 – OPEN MEETING LAW

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

- What are the general statutory requirements required for the open meeting law?

## Open Meeting Law

The Nevada Open Meeting Law (OML) was enacted in 1960 to ensure that the actions and deliberations of public bodies be conducted openly. The Nevada Open Meeting Law is codified in Chapter 241 of the Nevada Revised Statutes.

The Nevada Open Meeting Law Manual is available from the Nevada Attorney General's Office.

Board members may not discuss Board business outside of an official Board meeting.

All communications with the Board are to be directed to the Board Administrative Office for response by the Executive Director.

The Executive Director will communicate to Board members by email, blind copy, or directly by telephone.

The Nevada Attorney General's Office provides Boards and Commission training annually which includes the Open Meeting Law requirements, and offers on-line access to the training through the website of the Attorney General's office. Members are strongly encouraged to attend and/or review the training materials provided by the Attorney General's office.

# CHAPTER 8 – MEETING AGENDA

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

- What are the general statutory requirements for meeting agendas?

## **Basic Meeting Agenda**

The meeting agenda format followed by the Nevada State Board of Environmental Health Specialists is routine and follow the constructs of proper meeting management. Agenda content contains mandatory language pursuant to the Nevada Open Meeting law and must allow for two Public Comment agenda items, one at the beginning of the meeting and one at the end of the meeting. Additional public comments may be accepted at the discretion of the Chair.

Any agenda item that may be considered for action by the Board must so state by indicating “for possible action”. No action may be taken on any item not specifically identified or listed for action on an agenda.

Meeting agenda's must be posted at a minimum 3 working days prior to the meeting date, pursuant to the Nevada Open Meeting law.

The meeting agenda is composed of the following sections:

- a) Call to Order/Roll Call
- b) Public Comment - comments from the public
- c) Consideration and approval of the Minutes (for possible action)
- d) Complaint Hearing - if applicable (for possible action)
- e) Disciplinary Actions - if applicable (for possible action)
- f) (Board Agenda Items, both informational and action items)
- g) Executive Director's Report (for possible action)
- h) Report from Legal Counsel
- i) Report from Board Chair and Members
- j) Public Comment - comments from the public
- k) Adjournment

# CHAPTER 9 – PARLIAMENTARY PROCEDURE

## *Chapter Objectives*

After completing this chapter, you should be able to answer the following questions:

- What are the general requirements for parliamentary procedure?

## Parliamentary Procedure

The Nevada Board of Environmental Health Specialists' parliamentary procedures ensure that everyone has the opportunity to speak and be heard.

The Chair of the Board leads and facilitates the meeting.

Board Members should not speak until they have been acknowledged by the Chair. Members should speak one at a time and never speak when another Board Member is speaking.

One Board Member should state the case by making a motion for a vote on the issue and one Board Member should second the motion. If a motion for action does not get a second then the motion fails and no vote is taken.

Once the Board has a motion, with a second, it may choose to discuss the issue among themselves. When discussion is concluded, the Chair will call for a vote on the matter. A motion will pass upon majority vote of the members.

# CHAPTER 10 – GOVERNANCE

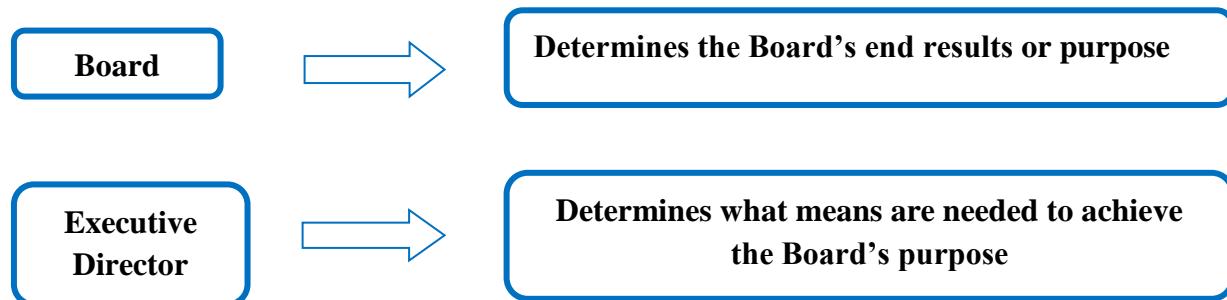
## **Introduction**

---

The Nevada Board of Environmental Health is effective when clear responsibilities are established. Forming an effective Board requires the Board to have a clear answer to this question:

**What benefits (or end results) are we providing to whom?**

In addition to answering this question, the Board needs to establish a single point of administrative authority. This person is responsible for using whatever means are necessary to accomplish these desired ends, within legal means or limitations establish in advance by the Board.



The Nevada Board of Environmental Health Specialists will be able to make better decisions more quickly and use the talents of its Board Members and the Executive Director if the Board:

- Is clear about its role
- Approves procedures for how the Board is going to operate and
- Establishes a partnership with the Executive Director to take actions needed to accomplish the Board's intended end results.

Board Members should be people who are interested in **governing** the Nevada Board of Environmental Health Specialists and not in performing hands-on activities, unless specifically required in the absence of staff.

## **Responsibilities of a Board Member**

- Determine the Nevada Board of Environmental Health Specialists' Mission and Vision
- Select the Executive Director
- Support the Executive Director and review his or her performance
- Ensure effective Nevada Board of Environmental Health Specialists planning
- Track progress toward meeting the results defined by the strategic plan
- Provide for the availability of adequate resources
- Enhance the Nevada Board of Environmental Health Specialists' public image

## **Framework**

The Board Members establish the framework for the Board.

- Create and update the mission and vision statements
- Defines what benefits (or end results) the Board is providing to whom and what it will cost to deliver them
- Determines how the Board's performance will be measured.

## **Direction**

The Board Members set the direction for the Board.

- Set goals and approve and monitor the implementation of the plan
- Develops Board policies, including the policies that govern how the Board will operate.

## **Accountability**

The Board Members are responsible for the behavior and performance of Board Members and the Executive Director.

- Act with honesty and integrity
- Hire and fire the Executive Director
- Establish the end results the Executive Director is assigned to achieve and define any limitations on the means the Executive Director can use or any functions the Executive Director must perform
- Monitor financial and operational performance
- Receive and approve the annual audit report / balance sheet report

## **Role of the Board and the Role of the Executive Director**

This section clarifies who has the primary accountability for which activities of the Board. If the Executive Director must consult with the Board on most management decisions, the Executive Director may not be able to move the Board forward and respond to opportunities or threats.

### **Clear authority makes the Nevada Board of Environmental Health Specialists more agile.**

If a responsibility belongs to the Executive Director, the Board should discuss if the Executive Director should bring information about that function to the Board, and in what form and frequency. Unless directed by the Executive Director, the Board should avoid gathering information about the Board or setting up relationships other than with the Executive Director.

## **BOARD AND EXECUTIVE DIRECTOR RESPONSIBILITIES**

### **BOARD OPERATIONS**

Activity	Responsibility
Develop, approve and modify Board administrative structure	Board
Establish written policies and procedures for Board operations	ED
Appoint committees and hold them accountable	Board
Establish and enforce expectations for attendance at Board/committee meetings	Board
Train Board members	ED
Plan agenda for Board meetings	Joint
Take minutes at Board meetings	ED
Plan and propose committee structure when needed	Board
Prepare exhibits, materials, and proposals for the Board and committees	ED
Sign or delegate the signature on legal documents	Board
Follow-up to insure implementation of Board and committee decisions	ED

### **PLANNING**

Establish mission and strategic direction	Board
Articulate a vision for achieving goals	ED
Formulate objectives	Joint
Direct the operational planning process	ED
Monitor achievement of goals and objectives	Joint

## FINANCIAL PLANNING, MANAGEMENT, AND OVERSIGHT

Prepare operating and capital budget	ED
Finalize and approve budget	Board
Ensure that expenditures are within budget	Joint
Approve expenditures outside authorized budget levels	Board
Provide for periodic audits and/or financial reviews	ED
Develop financial policies and procedures	ED
Approve financial policies and monitor that policies are being followed	Joint
Ensure that there is adequate internal controls and Board oversight of all aspects of financial transactions	Joint
Receive, review and approve annual audit reports/balance sheet	Board

## PERSONNEL

Hire and discharge Executive Director	Board
Establish executive compensation	Board
Ensure succession planning	ED
Establish performance expectations/agreement and evaluate the ED	Board
Develop Personnel Policies, Procedures and Compensation Plan (if applicable)	ED
Approve Personnel Policies, Procedures and Compensation Plan (if applicable)	Board
Direct the work of the Board	ED
Hire, supervise, evaluate and discharge staff other than the ED (if applicable)	ED
Handle complaints against the ED by a registrant or public	Board

## MARKETING/COMMUNITY RELATIONS:

Interpret Board law and/or regulations to stakeholders	ED
Develop marketing plan, materials, and awareness campaigns	ED
Outreach and delivery of information to stakeholders / community / interested parties	Joint

## LEGISLATIVE / REGULATORY:

Review Board law and/or regulations	ED
Develop proposed law and/or regulatory language	ED
Review and approve proposed law and/or regulations	Board
Monitor legislative and regulatory activities	ED

# **APPENDIX**

**Nevada Revised Statutes, Chapter 625A**

**Environmental Health Specialists**

**<https://www.leg.state.nv.us/NRS/NRS-625A.html#NRS625ASec112>**

**Nevada Administrative Code, Chapter 625A**

**Regulations of the Board of Environmental Health Specialists**

**<https://www.leg.state.nv.us/NAC/NAC-625A.html>**